

1 **William M. Fitzgerald, Esq.**
2 **LAW OFFICE OF WILLIAM M. FITZGERALD**
3 1st Floor, Macaranas Building
4 P.O. Box 909
5 Saipan, MP 96950
6 Telephone (670) 234-7241
7 Facsimile (670) 234-7530

SEP 27 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Bruce Berline, Esq.
Law Office of Bruce Berline
1st Floor, Macaranas Building
P.O. Box 5682 CHRB
Garapan, Saipan, MP 96950
Telephone: (670) 233-3663
Facsimile: (670) 233-5262

10 || Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

15 KENNETH COUTURE,) CV NO. 05-0024
16 Plaintiff,)
17 v.) PLAINTIFF'S INITIAL DISCLOSURE
18) STATEMENT PURSUANT TO LR
19) 16.2CJ(d)
20 AMERICAN OVERSEAS MARINE) Date: N/A
21 CORPORATION and GENERAL DYNAMICS) Time: N/A
CORPORATION,) Judge: Munson
Defendants.)

23 **COMES NOW** Plaintiff Kenneth Couture, by and through his counsel of record, William
24 Fitzgerald and Bruce Berline, and submits the following disclosure statement pursuant to Fed. R. Civ.
25 P. 26(a)(1) and LR 16.2CJ(d):

I. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION

1. Plaintiff Kenneth Couture, c/o Bruce Berline, Esq.

ORIGINAL

2. Employees of Defendant American Overseas Marine Corporation, including without limitation,
 - A. Dr. Inkerheart. The Lummus's medic who initially treated Plaintiff, may testify regarding extent and impact of injuries Plaintiff suffered along his diagnosis and prognosis.
 - B. The Chief Mate of the Lummus. First name is known as Pete, last name is presently unknown. The Chief Mate may testify as to the storage condition of the pipes and Plaintiff's injury.
 3. Doctor Jerome T. Landstrom, MD, FACS. Doctor who examined and surgically repaired Plaintiff's finger, may testify regarding extent and impact of injuries Plaintiff suffered along his diagnosis and prognosis.
 4. Other doctors whose names are presently unknown who examined Plaintiff's injured finger. The names of these doctors are most likely contained in medical records and other documents in the possession of Defendants.

Plaintiff reserves the right to amend and supplement this list if additional information becomes available during the course of discovery, pursuant to Fed. R. Civ. P. 26(e). The subjects of information are provided to disclose the general topics of information to which that person may testify. Such information is not to be construed as an exhaustive, exclusive list nor intended to limit the scope of the individual's testimony if called as a witness at trial.

II. LISTING, DESCRIPTION AND LOCATION OF DOCUMENTS, DATA COMPILATIONS AND TANGIBLE THINGS

1. Medical records and medical bills - presently located at Commonwealth Health Center, Garapan, Saipan, Pacific Hand Surgery Center, 633 Gov. Carlos Camacho Rd, Tamuning Guam, 96911, Ambyth Shipping, 1026 Cabras Highway, Suite 205, Piti, Guam, Defendant American Overseas Marine Corporation and General Dynamics Corporation, and in the possession of Plaintiff.
 2. X-rays - presently located at Commonwealth Health Center, Garapan, Saipan, Pacific Hand Surgery Center, 633 Gov. Carlos Camacho Rd, Tamuning Guam, 96911, Ambyth Shipping, 1026 Cabras Highway, Suite 205, Piti, Guam, Defendant American Overseas Marine Corporation and General Dynamics Corporation.

3. Pictures of pipe rack in the possession of Plaintiff.
 4. Plaintiff's Personnel records in the possession of Defendants
 5. Plaintiff's Payroll records in the possession of Defendants

III. DESCRIPTION AND COMPUTATION OF DAMAGES

As a result of his injury, Plaintiff has suffered irreparable injury to his finger. Plaintiff has had to have the finger operated on twice and now has a finger that is realistically useless.

Plaintiff suffered physical pain and mental anguish.

Total medical expenses to date are presently unknown as his employer, Defendant American Overseas Marine Corporation, has paid these expenses in the form of cure payments and this information is in the possession of the Defendants.

Lost wages for approximately 4 months of work.

Until further discovery is conducted, computation of damages is not possible.

IV. INSURANCE AGREEMENTS

Plaintiff is unaware, at this time, of any insurance carrier available to cover any liability in this matter.

V. EXPERT TESTIMONY

No experts have been retained by Plaintiff to date.

Dated this 22nd day of September, 2005.

BRUCE BERLINE
Attorney for Plaintiff
P.O. Box 5682 CHRB
Saipan, MP 96950